

THOUGHTS
ON
MR. TURNER'S CLAIM
TO A
COMPENSATION
FOR HIS LOSS

T U R N E R

GAINSBROUGH.

CONSISTING OF TWO PARTS.

PART I. Consisting of such Thoughts as were read
at the Vestry assembled on the Eleventh of June,
1788.

PART II. Consisting of some Comments upon Part
the First, with additional Observations.

GAINSBROUGH:

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PREAMBLE to PART the FIRST.

THE Thoughts in this first part were laid before the Vestry of the Town of GAINSBROUGH, which met the Eleventh of June, 1788, and submitted to their judgment. In this first part or Address to the Vestry, as well as in the Second Part, there may be some improprieties in the terms used where mention is made of Law Proceedings, as the writer knows nothing of Law any further than it coincides with common Honesty and common Sense. And there are tautologies in this part, as well as through the whole pamphlet, where a repetition of the same thoughts and expressions seemed necessary to introduce new matter in different connections. Redundancies were unavoidable: and other faults may have escaped the writer's attention in so hasty a production. But he was apprehensive (and he is certain not without reason) that from an imperfect recollection, the just-mentioned Address might be misrepresented, he therefore thought it most adviseable to publish the whole with a scrupulous exactness, and did not think himself at liberty to make any alteration, that he might have it to say, that it is the very same, or as nearly so as possible, as what he delivered to the Vestry. This reason for the publication respects only the writer himself, and the reader may say, that this is none of his concern. He therefore adds that it contains, if he is not greatly mistaken, some thoughts which are proper at this time; and which to many will give some useful information,

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formation, or such a gratification of curiosity as will be agreeable. And surely the Address hath some merit if it shall appear, and he makes no doubt it will appear, that he hath fulfilled his promise, *i. e.* that he would bring forward every thing relating to the business of the Meeting, and put it into a proper train for accommodation and dispatch. If it was not dispatched, it will be manifest from this first part of the pamphlet (alias the Address) which is further explained by the comments in the second, that it was not the writer's fault. I add, it will appear that it never could have been dispatched in any tolerable manner, and to the satisfaction of all the reasonable and moderate part of his Townsmen, if the scheme of this writer had not been adopted in part.

ADDRESS nearly verbatim as it was made to the VESTRY, except a few words of course not very material which introduced it.

Gentlemen,

I must begin with observing, that Mr. Brookes must not suffer any loss for what he has done in the case of Mr. Turner as chief magistrate in the discharge of his duty, and in his post for the service of the Town, and for the preservation of it from Fire. For every body will allow that he meant well, and acted to the best of his understanding, into whatever errors of judgment he may have fallen. But how this must be done, how he must be indemnified, whether by trying the cause with Mr. Turner, or by making a compensation for his loss, may admit of some doubt. Numbers here, and I amongst the rest, have unanimously agreed to reject Mr. Turner's demand, and to contest it with him. This we have done by a writing signed in form. But, Gentlemen, we are not infallible: and in whatever absolute terms the engagement may be expressed, it can only be understood to be on condition that Mr. Brookes hath done nothing in the affair

affair of Mr. Turner, but what can be justified, and what he had a Right to do by the Laws of this Country. I took it for granted that he had this right, as I supposed that the Gentlemen present at the meeting on Wednesday last, had taken care to inform themselves in this matter, and on that presumption I signed the engagement. But perhaps, Gentlemen, we were too precipitate. And if it shall appear that Mr. Turner has a right to reparation of damages, and satisfaction for the loss sustained, to contest it with him would be mere madness; and we had much better throw our money into the Trent, than contribute any thing for this purpose. And as for the engagement we have entered into, it signifies nothing. We must as unanimously revoke it, as we have signed it. To persist in such an error would be wicked, and equally absurd. But if it shall appear that Mr. Brookes has done nothing but what may be justified, the engagement no doubt is binding, we shall stand on firm ground, the rest of our townsmen, or the greatest part of them, will join with us in the subscription to contest the matter with Mr. Turner, and the expence will be little and in a manner nothing to every individual. And when Mr. Turner is convinced of this (as probably he may) he may drop the contest, or be willing to accept a moderate satisfaction, which certainly will be the most eligible, and to which I suppose we shall none of us be averse. I can speak for one; but till this matter is fully cleared, and we know that Mr. Turner has no right to a compensation, and that Mr. Brookes may be justified, we cannot expect that our townsmen should join with us in a subscription for the defence of what Mr. Brookes has done, and the most prudent thing we can do is to desist. To clear up this matter, and know what we ought to do (and) indeed what we can do, we should take the opinion of some able and judicious Council. And this, Gentlemen, is what should have been done in the first stage of the business. It would have prevented much trouble and inconvenience,

hience, and some expence. But it is not now too
 late to apply to such Council. And yet perhaps this
 I mean this application to Council, may not be ne-
 cessary. For, as Mr. Turner hath the opinion of
 two learned Council both in his favour, and which
 for every reason I think he will communicate if we
 desire it, I suppose we are all inclined to believe that
 the learned Council are in the right, and that the Com-
 stable hath exceeded his legal powers, &c. if the case
 sent to the Council be fairly stated. But if the state-
 ment of the case is materially wrong (which it may
 be from the omission of a single circumstance) then
 we should apply to a Council, taking particular care
 that the statement may be more exact, and that it take
 in the whole of the case with all its circumstances,
 not omitting such as may be thought most unfavour-
 able. And let the statement be perused and approved
 by both parties, I mean both by those who are on the
 side of Mr. Turner, who will be the plaintiff if the
 cause is to be tried, and those who are on the side of
 the Defendants, and then we shall all acquiesce in and
 abide by the Council's opinion of course, and the dis-
 pute will be at an end. And when we have taken
 the Council's opinion, if we are not already satisfied
 with that which Mr. Turner hath procured, we shall
 know what we have to do. But in the mean time,
 Gentlemen, I submit it to your judgment, whether
 we may not come to the resolutions I am going to
 read, viz. that if it shall appear that Mr. Brookes has
 done nothing but what may be justified by law, we will
 defend his cause, and contest the matter with Mr.
 Turner, unless he will accept of a moderate satisfac-
 tion. For even admitting that Mr. Brookes hath
 done nothing but what may be justified, I still think,
 and I suppose every body else will think, putting
 himself in Mr. Turner's place, that it is not a little
 hard upon him: but, 2dly, if Mr. Brookes hath been
 in the wrong, be it resolved, that we will make a
 compensation to him, viz. to Mr. Turner, either by

a parish tax, or by a voluntary subscription and contribution, or by both, as shall be thought best after a mature deliberation in some future Vestry, to be held as soon as may be convenient.—If what I have said is of any importance, and to the purpose, I will promise that what remains shall be at least equally so, and with your leave, Gentlemen, I will proceed.

In this connection it is necessary to repeat it (in order to introduce other thoughts) that Mr. Brookes at present, and every Magistrate hereafter, whoever he may be, if he hath an honest meaning, and unless there be some strange circumstances indeed attending the case, must be indemnified for losses at fire, occasioned by his orders and directions. I make no doubt but that some gentlemen have anticipated me in all that I can say. But as undoubtedly there are some, and perhaps many, who are not apprized of the expediency and importance, and of the justice of indemnifying the magistrate in such case, it is necessary to mention some things in order to convince them of the justice and propriety of such indemnification, that in whatever way it may be done, all may concur and cheerfully contribute.—Now, Gentlemen, be pleased to observe, that if Mr. Brookes is not indemnified, it will be a dangerous, a fatal precedent. No public officer or magistrate will do any thing for the future, or take any methods for extinguishing fires. No attempt for this purpose will be made, except by a lawless rabble; and the mischief which in this case may ensue, may be greater than from the calamity of fire itself.—I say this not without particular reason. Mr. Brookes did every thing with a good and laudable intention. He was, no doubt, in his post, and I do not know whether, if he had neglected to exert himself, he might not have been liable to a prosecution for that neglect. In such case, what was Mr. Brookes to do, or any other man so circumstanced and situated, when to act or forbear was attended with equal hazard? This is a terrible dilemma

dilemma indeed, and one would think, at first sight, a hardship to which no man can be subject by the laws of any country. But if Mr. Brookes is subject to it, his case is surely a very compassionate one, and we ought to be responsible for the loss and damage which he may otherwise suffer. If it shall appear that he is chargeable with an error in judgment (there cannot be a moment's doubt but that this will be all that can be laid to his charge) he certainly should not be liable to any damage, for doing his best to serve the Public, and to prevent the spreading of the fire. He is rather entitled to a reward. And therefore I hope we shall all cheerfully contribute to the compensation to Mr. Turner, for the damage he hath suffered, if he is entitled to it, viz. to such compensation. You, Gentlemen, who have entered into an engagement to try the matter with Mr. Turner, I acknowledge I was one. I have given an account how I was drawn into it. And you, Gentlemen, who have signed this engagement, will not rashly and obstinately persist in the contest. Law, said a great Wit, and in that declaration he equally shewed his wisdom is a bottomless pit, we do not know the end of it. If we are unsuccessful, the damage will fall upon ourselves; and we who have signed the instrument, shall be left alone to bear all the expences. But they who get the better in this contest, and this is what I hope Mr. Turner will consider, will be no great gainers. Let something be given up on both sides, and let there be a compromise. At all events, however, I again repeat it, to introduce other material thoughts, Mr. Brookes, and every future magistrate acting in his place, must be indemnified. It will be one means of preventing, or lessening the dreadful effects which might ensue from the calamity of fire, as the magistrate will be encouraged to act with confidence, in taking all the measures which may be useful for the extinction or preventing the further spread of it, as he will receive from us all the protection and encouragement

agement in our power. But we shall still be in the same danger, unless there are persons ready to assist him. Alexander or Cæsar might as well have pretended to conquer the world without armies, as the magistrate to extinguish fires without the aid of the lower ranks of people. Such persons, therefore, as shall exert themselves on these occasions, should be amply rewarded; or depend upon it, they will see the opulent with their effects burnt in their own houses, without taking any step for their assistance. In short, some of them have declared as much. Nay, full of indignation at their sordidness, such a spectacle will give them pleasure, they will enjoy it. I could enlarge upon this article, but I will not trespass upon your patience. I have much to say, and I will resume the subject, and put my thoughts together upon this and some similar subjects, at a time of leisure. For altho' few men have more business than myself, I do not know how I can employ my time more usefully, or to better purpose. I will now only detain you for three minutes longer, and abruptly throw out a few hints, which may have a claim to attention. Many have been much dissatisfied with the distribution of the money raised for paying those, who with great hazard and detriment have exerted their utmost efforts in extinguishing the fire. I know very well that it is impossible to satisfy every body, and some of the most worthless will be the most impudent and encroaching, and make the greatest noise: and there will be idle rumours and groundless claims. But just complaints should be attended to. And they who have no claim to a reward out of the public money, should not intercept the bounty which ought to have been given. I should rather say, the dearly earned wages of those who distinguished themselves at the Fire, and for personal Services, they who reap the Benefit of them, and they only, should pay. This, *Gentlemen*, is a serious business. It is as serious a business as that about which we are now assembled.

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It should be examined into; and I should be very glad if any who have been censured, should come off with applause: and that every unjust imputation of sordidness, or aspersion upon their characters, should be wiped away. At some future meeting also, proper regulations and provisions may be made for the speedy extinction, or which will be still better, the prevention of Fire. And for this, the management and police of the great City may furnish useful hints.

I see many worthy and intelligent people here assembled. I flatter myself that their public spirit will be equal to their wisdom, then every grievance will be redressed, every measure of public utility will be carried into execution, and Golden Days will succeed the Iron Age in his MAJESTY's good Town of GAINSBROUGH.

Part the Second, consisting of some Comments upon the First Part, with additional Observations.

- Preamble to Part the Second.

THE Thoughts in this Second Part are only a small selection from a vast mass which the writer hath before him. They are only broken and imperfect hints, for the writer could not give a sufficient extent to his thoughts, and comprize the whole in a moderate pamphlet: and he is obliged to pass from one thing to another just as it occurs, having no leisure for a regular arrangement. He looks upon this little pamphlet as a kind of Ephemeris, as a something that can be of no long continuance. And therefore it seemed hardly worth while to bestow a great deal of pains, as he would gladly have done upon a work that promised a more lasting duration. In putting the thoughts which follow together, he hath aimed at nothing but perspicuity. As to ornaments of language, they are frivolous things in his account, and beneath his regard. He believes, however, as every one ought who presumes to lay his thoughts before the public, that they are of importance, and not altogether unworthy of attention.

The author of the following remarks is filled, as every honest man ought to be, with indignation and horror, at the inventors of evil reports to the dishonour of any neighbour; and he thinks it proper to declare, that he cannot, without extreme reluctance, give to him, viz. his neighbour, a momentary pain, even by circulating stories of this sort, however true, that he never will do it, unless compelled by a kind of necessity, and for such reasons, and from such motives as satisfy his own mind. and will not only justify him in the opinion of the impartial, but entitle him to their approbation—that he would not make one enemy, if he could help it; but rather encrease the number of his friends—that with whatever faults any one is chargeable, he is disposed to speak of them with lenity and moderation, or rather, conscious of human infirmity, to pass them by in silence; and throw over them the mantle of charity, if these faults are confined to the
man's

from his own domestic circle, and relate only to the connections of private life. He abhors the thoughts of dragging them, viz. such faults, out of their obscurity. And he thinks he hath no right or call of duty to expose any man on that account. But if any one is chargeable with culpable errors in the part he acts on the open theatre of life, *he exposes himself*. And if these errors are such as affect the public and have a pernicious tendency, they are a public concern; and every one hath a right to speak of them with candor indeed, but with the greatest freedom. And the more respectable such a one may be as a fair, and honourable tradesman, and for his behaviour in all the intimate connections of life, the more expedient and even necessary it is that such faults should not be overlooked. Because, besides the present mischief, the example of such a man is infectious, and amongst the general of mankind, will often give a sanction to what is wrong. For this reason they should not pass without some animadversion. As to your worthless low lived people, whatever punishment they may deserve for the faults they commit, they are hardly objects of censure for any hurt they can do by their example. People of condition and character, and such only, are entitled to this distinction. The motive for this pamphlet would further *justify* this distinction, when it is considered that he was in the midst of the terror and confusion occasioned by the late fire, no doubt, either respecting its causes or the ruin which it threatened, every hour in danger of being enveloped in the flames, and that his all was at stake, *this* may justify every degree of freedom he may use in this pamphlet, as well as which he may have used in any former publication; especially as the motives for it, he will be bold to say, are so laudable and sufficiently apparent. He had his reasons, however, for making what may be thought a more elaborate apology.

The Comments on the First Part, with the additional Observations, are as follow.

The writer begins with declaring, that he had no pique against any one. But he resolved to mention the case of the poor men, who with continual and immense fatigue, and hazard of health, of limbs, and even of life, exerted themselves in extinguishing the fire. He thought that they ought to be liberally rewarded, or at least fully paid the wages which they had so dearly earned; that this was what justice, humanity, good policy, every consideration should enforce.

and he intimated (as may be seen in the Address) in pretty broad terms, that it was thought there had been some *great* neglect respecting this article. Upon this, a very worthy and respectable townsman asked if any one employed, *i. e.* in the distribution, had pocketed the money? To this the writer of the address answered, that he did not believe, nor suspect any thing of this sort; and this is what he again solemnly protests. But he said, that it did not therefore follow that the money raised for the purposes aforesaid was properly distributed. To this there was no reply. And indeed, there was no room for any. For that there was some gross error in the allotment or distribution, he is certain was credited by several; and it appears to him to be a fact of public notoriety. But he, viz. the writer of the address, did not mean, and for reasons not necessary to be mentioned, he could not possibly mean to insinuate any reflection upon his worthy townsman. And if he may credit common fame, which is not always a liar, he viz. the writer of this pamphlet, must believe, that he, the aforementioned gentleman, did not approve of every thing in the distribution; that he even signified as much, tho' in the softest terms, and was, it is probable, only restrained by his connections, from censuring it with severity. Having thus settled the account with Mr. E—, as he, viz. the writer, brings the charge home to nobody, if any one else is hurt, and thinking himself struck at, shall declare as much, it must be owing to a consciousness of something culpable. He is his own accuser, and there needs no other evidence to convict him.

I pass abruptly to consider the several schemes proposed to terminate the dispute with Mr. Turner; and when the reader hath considered them all, as they are here under placed in one united view, he may judge to which the preference is due.

The first scheme was to have the opinion of a Council learned in the law, respecting the matter in dispute with Mr. Turner, (if that which was procured by Mr. Turner on the statement of the case sent by him was not satisfactory) and that a new statement of the said case with all its circumstances, not concealing or suppressing such as might be deemed most unfavourable, should be drawn up, perused, and approved by both sides, and not to contest the matter with Mr. Turner till that opinion was obtained, but in the mean time to stop all law proceedings; that if it appeared, from the

opinion of the Council, that Mr. Brookes had been in the wrong, a compensation should be made to Mr. Turner, either by a parish tax, or a voluntary subscription and contribution, or by both, as should be thought best after a mature deliberation in some future vestry. See a more particular account in the First Part, to which should have been added, that if in consequence of these measures the business was amicably terminated, the expences, to which some individuals were subject from the writs served upon them, should be paid by the associators, viz. the persons who joined in this scheme.

Such was the first scheme, which the writer of this pamphlet proposed for terminating the dispute with Mr. Turner. But as the parties could not agree about the facts to be inserted in the statement, and on which it must be founded, this scheme was rejected. And yet, if the parties upon whom the writs were served had been made easy, and insured against trouble and expence, which at last hath been thought necessary and expedient, there would not have been the shadow of a difficulty in agreeing about the statement, for the case was not at all complicated: there was no occasion to enter into any detail of facts: nothing was more simple. And, admitting that Mr. Brookes entered into the house (or warehouse) of Mr. Turner, and removed his goods, &c. as charged upon him, there was only this single point to be determined, viz. Whether he had or had not exceeded his legal powers? And this might have been decided by one or two Council, or by any man of common sense (recourse being had to the Statutes or Laws to which he might easily have had access) as well as by a reference to the Twelve Judges. This scheme, however, being rejected as impracticable, the greater part of the people at the Vestry cried out, as with one voice. And this is the 2d scheme, that Mr. Brookes and his adherents must be defended in a course of law, and the cause tried with Mr. Turner, and a subscription was immediately set on foot for that purpose. The writer of this paper refused to enter into the subscription, for it seemed to him (he does say that it appeared so to others) but it seemed to him, that to defend the cause as just mentioned against Mr. Turner, without first knowing whether Mr. Brookes could be justified by the laws of this country, was both wicked and absurd, and not to be justified, whatever good might have thence accrued. But the good was only imaginary and ideal, not likely to be realized, unless a verdict was given for

for the defendants. But if the defendants had lost the cause, the compensation, it is probable, would have been much greater than if the matter had been settled upon an amicable reference. And the expence of the law suit, if it had been tried in the country (and much more as it would have been tried in London) must have been prodigious; and all this must have been defrayed by the defendants. And yet, without knowing, as was just said, the grounds on which we stood, it was resolved, let my townsmen excuse my warmth, it was resolved, amazing madness! regardless of any consequences, to go to law with Mr. Turner. This was, owing, surely, to a mental intoxication; and the writer should be ready to ascribe it to a judicial infatuation, but that he thinks the event will be fortunate: and, if he did not know that numbers, who concurred in this resolution, were persons of excellent understanding, that it was owing to the opinion of some who laboured under a temporary deception, and that they were incapable of persisting in what was wrong.

With regard to the body of his Townsmen at the Vestry, the writer of this paper is certain that they acted upon the fullest conviction at the time; that what they did was right, with the most upright intentions; and that if there were any, who under the influence of private pique were averse to all conciliatory measures, and resolved to pursue and oppose the object of their hatred with an unrelenting animosity, they, viz. my worthy Townsmen just mentioned, would spurn with indignation, at the thought of being subservient to their views. But a regard to truth requires that we should give a fair hearing to what may be said in vindication of the conduct, which is here so strongly censured and condemned. And it hath been asserted, that the design of the just mentioned association and subscription, viz. to defend Mr. Brookes and others against Mr. Turner, was to engage him to drop the suit. And you see, will some sagacious person say, that it hath produced this effect. But in answer to this, let it be observed, that whatever appearance there was of this the day following, it was not so much as conjectured even by the Gentlemen of the *Interior Cabinet*. It was a doubtful experiment, it was an after-thought, as appears from the reason that was given at the time, for this extraordinary association and subscription which they entered into, viz. that thus a line would be drawn, a precedent established, which might be a rule to judge by, and regulate the conduct

of the magistrate or other person presiding at fires, that he might proceed in the discharge of his duty with security and confidence. But when they said this, they thought of nothing but victory and triumph : otherwise, a moment's reflection would have convinced them, that altho' they had got a precedent or line, as just said, to ascertain the power of the magistrate, viz. in the case disputed betwixt Mr. Turner and his opponents ; yet, in case of a defeat, this would leave them in a worse state than they were before. For whereas before the trial, the constable did not know but he might be in *the right* ; yet, after the decision in favour of the plaintiff, he would be certain that he was in *the wrong*, however proper he might think the measures he had taken to prevent the spreading of the flames, and might be tempted to justify his indolence in case of any future fire. This is what the writer (of this pamphlet) represented to some gentlemen who were at the Vestry, but not during the time that they were assembled. If he had done it at the Vestry, his remonstrances could no more have been heard than the sound of a whisper amidst the roar of thunder. But he does not mention this as a discovery of his own. It was the opinion of some gentlemen, (as he found afterwards, but not of any that attended the Vestry) as well as his, and originated, it is probable, from their own good sense ; and now he supposes that we are generally undeceived.

The third scheme of referring the business, viz. the claim of Mr. Turner, to arbitration, is certainly preferable to the second, viz. that just before mentioned, which can hardly be reprobated in terms too severe ; but I may appeal to any man of sense, who is capable of making the comparison, whether the first-mentioned scheme would not have been far more eligible, if it could have been carried into execution ? Since that is not the case, the writer acquiesces in the just mentioned scheme of arbitration ; and it hath his most hearty approbation, as it will be attended with less expence than a suit at law—does not subject to the odium of contesting the matter right or wrong—and to the disgrace and shame which must afterwards have followed in the case of a defeat—promises peace and good neighbourhood, and to extinguish the flames of discord, often attended with as fatal consequences as those of fire, taken in the literal sense : and, in short, is the only scheme that circumstances would admit, and that could be devised, not only to prevent as aforesaid the expence, but all the

the other unknown inconveniencies and mischiefs of a suit at law; as the Gentlemen Arbitrators will perfectly understand, and soon be informed, that it will be the most acceptable to the better and worthier part of his (the writer's) townsmen, that they should act as they are disposed to do from their own rectitude and humanity, as moderators and mediators, as well as counsellors; and they will discuss the matter in a way of cool debate, with a strict regard to truth and equity, and not as is the case in a court of law, where the pleaders, like champions or prize-fighters, contend only for victory, and that, like Hessians or Switzers, they may be thought by their employers to have earned their pay. The writer hath a great deal more before him in his papers upon this article. But he only adds (to sum up the whole) that on all these accounts, the scheme for terminating the dispute by arbitration is greatly preferable to the second, viz. that of trying the cause with Mr. Turnery and to the first, but for no other reason than because it appeared to be the only scheme that was feasible. But there is one and the same inconvenience attending all the schemes, that is to say, that if the cause is decided in favour of Mr. Turner, and damages are given, it will be a precedent on which every one, who shall suffer damage from the exertions of those who are employed in extinguishing fires, will found a claim (tho' perhaps he may not have the same reason as in the present case,) and the magistrate, or whoever he may be, that takes the lead on occasion of fires, will be left without security. He will not dare to do any thing. He will be apprehensive (tho' as the case may be circumstanced, without any reason) that it is at his own peril, as he can expect no protection from the laws as they now stand, nor no indemnity, except from the precarious courtesy of his townsmen. For this reason, it is much to be regretted that from the first, Mr. Turner's claim was not referred to the consideration of a few leading men in the Town, and that some damage was not allowed him from a principle of humanity, and upon the foot of the grand law of equity, viz. the doing to others, &c. but without mentioning or taking the least notice of legal rights and claims, and the question of law being left undecided, and all sides quiet and contented; the magistrate would then in case of fires, have done his duty, without fear, or any suspicion of his doing wrong, at his ease and with alacrity; and, it is probable, that he would have acted right ten times for one

error committed, and that error would always have been excusable; for such a case as the present may not happen again once in a century. But it is much to be regretted that there was not temper enough for such conciliatory measures.

The writer would not repeat grievances, but he mentions this, viz. this want of temper, as a caution, that we may profit by past experience; and he hopes, when the cause comes to be tried by the learned Council, the keen eagerness of party will be moderated, and for the time, at least, suspended, as well as the turbulence of their passions; they will do no honour to such as are agitated by them; nor give much pleasure—and they may possibly puzzle and perplex a cause, which, one would wish, might be brought to a speedy and immediate conclusion. The writer hath many thoughts which should be introduced in this place; they seem to him of importance, but as he cannot represent them to advantage, and in the connected state in which they are in the papers before him, and at the same time comprize the whole in a pamphlet of a moderate size; he hopes the reader will excuse this imperfect, and indeed mutilated abridgement, made without the least regard to order, as at present he can do no better: hereafter he may arrange and put them into such a state, as may give some little gratification to his friends, in an hour of conversation. The mentioned thoughts connect with the preceding words, viz. immediate conclusion, and are as follow—immediate conclusion. The award of the learned Council will be, in some respects, the same with the judgment of a court of law, and for further reasons, which might be given yet more firmly to be depended upon. If it is in favour of Mr. Turner, it will be because it appears to the learned Council, that it was not necessary to destroy or remove his goods for the extinction, or to prevent the spreading of the fire. And in the same award it will be strongly implied, and even in such a manner as will be equivalent to an express declaration, that goods may be removed at whatever hazard of loss, and even houses destroyed, when it is necessary for this purpose; which is indeed a dictate of common sense, and in a manner enforced by the instinct of self-preservation. There is therefore no reason why the award in favour of Mr. Turner (if such it be) should make officers at fires less ready to act in case of such imminent danger. And to apprehend that in such a case he, viz. the officer, is liable to make good any loss, is a vain panic. He may act in perfect security, and with an entire confidence, He must have,

in a manner, an absolute power, that he may do every thing that the emergency requires. But to this case of absolute necessity, that is to say, for such destruction of property uninsured, the power of the magistrate must be confined; and certainly, no man that hath any property uninsured, would wish it should be extended any further. And if any one shall destroy such property, when it shall be manifest that there was no such necessity, he must be responsible. This will appear from the award of the Council, if it shall be in favour of Mr. Turner. So that the award will confirm these two things, as a kind of maxims or axioms of law, which are also as before said the dictates of common sense. 1st, That an officer presiding at fires, may not only remove at whatever hazard; but even destroy any property not insured, if it is absolutely necessary for the extinction, or to prevent the spread of fire. Nay, and to advance upon the thought, that he will be even chargeable with a culpable neglect, if he does not destroy it. But, 2d, that if there be no such necessity, he may not remove or destroy such property as aforesaid. For if an officer had this power, he might, under pretence of a necessity which did not exist, and in virtue of the rights of his office, injure his neighbour at his pleasure; and a wide door would be set open for the commission of any villainy. Here then is a line drawn for the direction of the officer or magistrate, that is to say, that he may, indeed that he ought to destroy property not insured, if it is necessary for the purposes aforesaid: but, if it is not necessary, he may not destroy it.

These two maxims, then, or axioms of law, as aforesaid, admitted, (and who will pretend to contest them?) are a sufficient direction and guide to any officer presiding at fires, that he may proceed both with caution and with confidence. And this is all the line it should seem that need be drawn—perhaps that can be drawn; for these two cases include the whole. That the Legislature can draw any other line, and in order to this specify all the cases, with all their attending circumstances that may probably occur, in which the officer may or may not destroy houses, or other property not insured, for the extinction or to prevent the spreading of fire, appears to the writer of this pamphlet exceeding dubious.

But it may be said, that a magistrate or other officer may have destroyed uninsured property, when it was not necessary for the purposes as just aforesaid, (that is to say, for the extinction

struction or to prevent the spreading of fire,) say, and when it may even be manifest that it hath had a quite contrary effect. And (that) this may appear to him, viz. the officer himself afterwards upon cool reflection, but that he was not aware of this (and it is no wonder that he was not aware of this) in the hour of terror and confusion, and that he meant no harm, and acted with the best and most upright intentions. And this, I am firmly persuaded, was the case of Mr. Brookes, if it shall appear that he removed and caused to be destroyed as aforesaid without necessity, property not insured. And it may be asked, what is to be done? In this case, every reason of equity, and I may say gratitude and good policy, should engage his townsmen to indemnify him by a compensation to the suffering party; and the damages will probably be mitigated, to whomsoever the case is referred, or by whomsoever the cause is tried. But this, for reasons already intimated, and which might easily be enlarged, is all that can be done. The unfortunate officer (that is to say, in the predicament aforesaid) must be liable by law to make good the damage; there can be no exemption in his case; the precedent would be dangerous. There can be no dispensing power. It would be big with fatal consequences; and it should seem that the Legislature itself cannot alter or abolish the law, in a case so plain, and founded upon such self-evident principles of eternal justice. And by what other means the Legislature can provide for the security of the aforesaid officer (rather for his indemnity) on occasion of the loss of property not insured, caused without necessity by his orders, with a just regard to the rights of the party who hath sustained this loss, is not easy to conceive, as the writer thinks he hath largely shewn in the papers before him. But the matter must be cut short.

The writer sums up what hath been and what remains to be said, with observing, that it appears very desirable, and what at present is wanting, that a provision should be made to indemnify the well-meaning officer, who destroys uninsured property without necessity, in order to prevent the spreading of fire; and yet at the same time for making a compensation to the party aggrieved, who is a sufferer by such loss of property. And it appears upon the review for the reasons given, to which more might be added, that an application in this case to the Legislature, must be fruitless and unavailing, because they cannot contrive any method, or make

make any laws for this purpose, further than by confirming the regulations to be mutually agreed upon by other bodies of men for the same purpose; which (*viz.* which regulations) will be particularly explained. It is an impossibility, arising from the nature of things. But if that August Body had it in their power, it might be much better effected in the way just hinted. And the necessity or expedience of an Act or Statute, (in the just mentioned case,) except for ratifying articles of agreement, made as just aforesaid, may be superseded in the manner following, as for the reasons hereafter mentioned will appear. Here the writer concludes the short and imperfect hints, for which he made an apology: short as they are, tautologies have escaped him, which the intelligent reader will see could hardly be avoided, and, it is hoped, will candidly excuse.

Here follow the thoughts necessary to introduce and explain the scheme to indemnify officers, for uninsured property destroyed in order to prevent the spread of fire, and to make a compensation for the loss suffered by the party aggrieved; with which are joined other thoughts connected with the subject.

The writer, *viz.* of this pamphlet, always took it for granted, that the loss suffered by Mr. Turner, and such as were under the same predicament, would be made good by the offices of insurance, tho' the property so lost was not insured. But when he heard it continually asserted in the most peremptory manner, and with a particular emphasis repeated, that Mr. Turner was his own insurer, (these were the very words) signifying, and as I believe it was so understood, that he must expect no assistance or relief from that quarter, *viz.* from the offices of insurance, as if there could be no doubt at all of this, and observed, that it was never contradicted at the time, tho' this declaration was very public: he then supposed that he was mistaken. He finds, however, that numbers of the most intelligent are persuaded, that if an application had been made to the Sun Fire and other offices, that it would have succeeded: and that they who have the direction of the offices, would have made good the damage, altho' they are not obliged to it, as it seems to him they are in the case of the City of London. To elucidate this matter, and to shew that the offices of insurance would probably have made good all damage and loss of house, or property, to the sufferers, tho' not insured, if deemed necessary for the extinction

extinction, or to prevent the spread of fire; he will lay before the reader the nature of the obligation they are and were under to make good, (if he is not grossly deceived,) for losses in the City of London; and the reason on which it is founded, (which equally applies to houses and property and the like predicament in the Country) as follows. — He has been informed by several respectable persons, that there is a Statute or Act of Parliament, by which they who have the direction of offices of insurance, are allowed to destroy houses with their furniture and other commodities, or to remove them at whatever hazard, if it is thought necessary, to prevent the spreading of fire, upon condition, that they shall make good the loss suffered by the party whose property hath been thus destroyed. This is confined to the City of London, and is in the nature of a covenant ratified and confirmed by Parliament. This is affirmed, as just said, by several respectable persons. But, as others have declared they know of no such statute, and after a very diligent enquiry he (viz. the writer) hath not been able to find any, it appears to him very doubtful. Others say there is an agreement among the offices of insurance to join in making good losses of houses or property as aforesaid, not insured. And it is certain (at least it hath been generally believed) that a compensation hath been always made without demur by the offices of insurance, on houses and property not insured, when it was thought necessary to destroy them for the extinction or to prevent the spread of fire: which seems to shew, either the reality of such an agreement, or of such a statute as aforesaid. But he (viz. this writer) rather thinks, for the reasons mentioned, that there is no such statute. And this proves that they have fulfilled the engagement into which they have voluntarily entered, to make good losses as aforesaid with punctuality and honour. Otherwise, it must have given rise to such disputes on the part of those who suffered in the manner aforesaid, as must necessarily have occasioned the enacting such a statute. And be it as it will, the constant allowance of such damage and compensation as aforesaid for losses on property not insured, establishes a legal claim to such compensation, and gives to the sufferers a prescriptive right. Gentlemen who have the direction in the offices of insurance are under no such obligation to make good damage and loss in the Country, of property not insured which hath been destroyed for the extinction of fire. But as they have without compulsion,

compulsion, voluntarily and of their own free motion entered into this engagement as just said respecting the City of London, manifestly for their own interest; because it is obvious that the loss sustained, the expence incurred by the destruction of such houses and goods (as aforesaid) would probably be a trifle, compared with the damage which might be suffered from the spread of fire, the ravages of which it is often impossible to prevent by any other means. It seems therefore probable, and the writer think in a manner certain, that as Gainsbrough is a considerable commercial town, in which there is a large property insured, that they would gladly from the same motive of interest, have made Mr. Turner a compensation for his loss, if a proper application had been made to them.

The writer, viz. of these papers, knows very well that there was an Agent from the Sun Fire-Office, whom he saw respecting the buildings in the Calkgate Lane; and for the very purpose, he believes, of hearing complaints, or receiving any information respecting losses by the fire. He told the writer so himself. But he, viz. the writer, thought no more of it at that time. He had no leisure to continue the conversation, and he knew nothing then of the particulars of any loss, except that of Mr. M——c. Now he, viz. the writer, would ask, was any representation made to him, viz. to the Agent or the Offices of Insurance of Mr. Turner's loss by those whose business and duty it was to make the report, or whom common humanity, if they were acquainted with it, viz. the loss, might have engaged to do it? But it may be objected, that the offices do not make good all losses of uninsured property destroyed for the extinction of fire; and that the case might be so circumstanced, that the party suffering would have no pretence to make any claim upon the offices for compensation; or, to speak more properly, expect it from their liberality upon application. Let us consider how this applies to the case of Mr. Turner, and how it affects it as follows, first premising that the writer of this pamphlet does not take upon him to decide on the merits of the cause betwixt Mr. Turner and his opponents.—And he would propose to the person who may be thought more immediately concerned, the following observations.—If entering into the house of Mr. Turner and removing his goods, &c, was necessary to prevent the spreading of the flames, he, viz. Mr. M——c, should have applied to the offices of insurance, who certainly would

would have made good, or have contributed to make good the loss sustained. But on the contrary, if the removal was not necessary to prevent the spreading of the flames, certainly Mr. Turner suffered a great injury, tho' it was owing to the very excusable simplicity and inadvertence of Mr. Brookes, and certainly he had a right to compensation from somebody. And considering what was the occasion of the fire, Mr. M—— knows very well the rashness and impudence which were the occasion, he should have tenderly sympathized with every sufferer in such a fire. He should have left the business of maintaining the suit against Mr. Turner to others, who were ready in great numbers, and who certainly could have engaged in it with a much better grace; the keen eagerness with which he prosecuted the business, and put himself at the head of his opponents, reflects no honour upon the delicacy of his moral sentiments, nor upon his humanity and understanding.

It is with regret that the writer takes this liberty with Mr. M——. Nothing could have induced him to it, but a sense of duty and his regard to a public good. Nothing he has said is dictated by the least degree of resentment and ill will. He abhors the thought of employing sarcasm and irony, which is the severest kind of satire, against a man who has given him any personal offence: and in what he is going to declare, he is very serious.—He wishes to have it perfectly understood, that he is so far from having any dislike to Mr. M——, that on the contrary, by a dignity of aspect, and that good countenance which is a letter of recommendation, he was always prejudiced in his favour. He, viz. Mr. M——, hath been always distinguished for his good manners and good nature, only clouded a little by that elatedness of mind, which is, more or less, a constant attendant on great prosperity, and is an infirmity he hath in common with many others, who have none of his good qualities to make amends for that defect. A man so respectable, and such a one alone, as the writer hath observed, is a proper object of censure. And there is another reason for it, (viz. for censure) which is the good effect it will have upon the gentleman himself. Such a man he cannot be incorrigible. A conviction of error is all that is necessary to engage him to do right, and to act in everything like a man of honour and spirit.

But to return from this digression. It hath been observed that an application to Parliament to supply the defects of the law

laws, by drawing a line more particularly to ascertain the powers of the magistrates or others, concerned in the extinction of fires, is to no purpose, because the making such an act is impracticable; and if it were otherwise, it is superseded, because needless. The magistrates or others who preside at the extinction of fires, may act with confidence, as it appears very probable from what has been said, they may be indemnified, and compensation made to the sufferer by the Sun Fire and other offices, except there be a base and villainous intention. But they may be farther secured, and this probability converted into certainty, by the cheerful consent of the offices of insurance. And altho' an application to the Legislature to draw a line as aforesaid is, as was before observed, useless and impracticable; yet it may be highly proper and expedient on another account, which we are going to represent and explain. The offices of insurance which are ready to make good (as hath been shewn) losses on property not insured, if destroyed to prevent the spreading of fire, will, it may be supposed, enter into the same agreement for this purpose, with respect to towns in the Country, as the City of London. They can have no objection to enter into an engagement amongst themselves, to do what they do (as hath been shewn) and think for their interest, without any such agreement or engagement. And since it is *also* the interest of Gainstburgh, and of all other towns so circumstanced, that such an agreement respecting them should be made as in the case of the City of London as aforesaid, let all unite and act in concert for the procuring a Statute, enacting that the offices of insurance shall enter into such agreement as aforesaid; and *also* enacting some other regulations which will be of great public utility, and which (as it is represented in the lines following) will make the insurance offices still more desirous (if indeed they can at present have any objection) to enter into this agreement. I pass to these regulations without further introduction. And it should be enacted, that when the insurance offices shall have entered into an engagement or agreement in favour of the Country, similar to that respecting the City of London, that a like police shall be established, and the like regulations made with regard to fires in the country, so far as the different situation and circumstances of the Country and of the great City will admit. As, to mention some particulars, such measures should be taken, that there may be a constant and plentiful supply of water,

that there may be always an access to it; and a speedy and easy conveyance wherever it may be wanted. The engines should always be in good repair—and one or two engines contrived for some strait and narrow passages. Firemen should be chosen and appointed; four, five, six or more, according to the extent and population of the town, to take care of the engines—to keep them in order, and play them at proper times—and that this may be done the more frequently, they must take this work upon them alternately two at a time.

At fires, their business must be to play the engines, and where the danger is pressing and alarming, the attention of the greatest part of them must (and it will of course) be confined to the extinguishing the fire; but others must be employed in watching that there may be no pilfering, in keeping off the rabble—seeing to it that none may stand in the way, or be admitted near the fire, but such as may be useful to them—and so observe, that they may make a report such that they may be properly considered according to their services.—The firemen should be chosen out of the lower ranks of people, of such as are robust and bold, but at the same time, solid, sensible and sober—and they should be trained and instructed by some persons of superior rank, who are the most intelligent in these matters, viz. the proper methods of proceeding in case of fires, that they may never be at a loss, but always ready on the most sudden emergencies. Thus instructed, they will be as expert as the Fire Men of the great City, and, on some accounts they will be preferable. For at the same time that they will do what is proper I should imagine that they will be less enterprising and rash, and in such towns as Gainsbrough, where every one is well known; and acting, as it is probable they will, under the eye and inspection of respectable persons who generally employ them, they will be more reducible to order; and, in the few cases in which it can happen that they are chargeable with great faults, they will be more amenable to law and justice. These fire-men, as well as the magistrate under whose authority they act, should be subject to some fine or penalty for non-attendance or negligence at the time, or at fires. These fire-men, as we will hope they will not often be employed in the extinction of fires, nor for a long time together, will think six pounds per year standing wages, besides a liberal recompence, or special rewards for vigorous exertions at fires and extraordinary services, a sufficient allowance

pace for the stated work and labour of their office, which they will divide and take by turns. The whole expence, I suppose, will hardly amount to more than from thirty to forty pounds a year, to be raised by a small addition to the Parish Rate or Tax; and they who shall grudge to pay their proportion towards it, if they shall perish in the flames of their own houses; it will be thought that they deserve their fate.

How far the orders and regulations of the City of London, with respect to buildings in order to prevent fires, can be followed in the Country, must be left to the judgment of the intelligent. Perhaps, considering the difference of circumstances and situation, but few of them can be enforced by Act of Parliament in the Country. Private persons, however, by their advice, authority and example, may prevent some abuses, and establish some useful regulations. Party-walls, guarding against the improper placing and disposition of timbers, especially about chimneys, and preventing, as often they may, the building of thatched houses except in the skirts of towns. All these, and any other prudent regulations and provisions, which may occur for the prevention of fire and for its extinction, should be confirmed by the Act of Parliament; and in the same Act, the insurance offices should be subject to make good losses on houses and property not insured, having entered into agreements and engagements for that purpose, which this Act will (must) ratify and confirm. And it is proposed that there be this particular clause added to the act, viz. And be it enacted, that if the magistrate or other officer providing for fires, shall fall into some great error in causing uninsured property to be destroyed in order to prevent the spread of fire, when such destruction was not necessary for that purpose, that the officers of insurance do notwithstanding agree to make a compensation to the sufferer, on receiving (if they shall require it) a certificate from his townsmen, viz. the townsmen of said officer and other respectable persons of the voisinage, setting forth, that they believe the said officer to be an honest man, and are persuaded of his good meaning and of his upright intentions. But such a case as this can seldom happen, if the police is regulated in the manner proposed. — In this Act it is imagined that all parties will find their account. When this Act is passed, they who in the country shall sustain any loss on houses and property not insured, which have been destroyed for the purpose

posers afore said, will be entitled to receive a compensation from the insurance offices as a right, for which they will now be indebted to their bounty. And to this they, viz. the offices of insurance, (for the reasons mentioned) will have no objection: for when the police of the towns respecting fires is properly regulated and settled, in the manner just afore mentioned, by the Statute, the offices of insurance will be gainers; as fires will be more easily extinguished, and always before they get to any head, the destruction of houses and other property not insured will be less, and the compensation comparatively nothing to what, as was before observed, they are now ready to pay, or would voluntarily and cheerfully pay upon the requisition. They will have the satisfaction to think, that when they pay their money for the loss on uninsured property, that it was not owing to any want of care or of skill, or (which may now be the case) to the mismanagement of weak and ignorant, however honest and well meaning people; in one word, that the loss hath been unavoidable, having happened after all the methods human prudence could devise, have been taken to prevent it.

One thing the writer of this pamphlet would observe (though perhaps it may be a little out of place,) viz. that, as the case now stands, the loss on uninsured property destroyed without necessity, may fall so heavy on the individuals who are the authors of it, or upon the towns for which they act, that however well disposed, they may be unable to make it good, or at least not without such vast contributions as cannot naturally be expected. But on this scheme, and in consequence of the mentioned regulations, the loss as afore said must be comparatively little; and it cannot therefore be supposed that they, viz. the offices of insurance, should want either the inclination, or the ability to make an adequate compensation. This is obviously another recommendation of this writer's scheme, which the intelligent reader will not think requires any further proof or explication.

Since this pamphlet was finished for the press, it hath been suggested, that there is no law to authorize the destruction of property (not insured,) no, not even if it shall appear to have been absolutely necessary to prevent the spreading of fire; and that if any one shall give orders for such destruction, even in the just mentioned case of necessity, it must be at his peril. Upon this the writer would remark, that if there be no law in this case, it was because there needed none, and it would

would be of no avail. For that the officer dwelling at home will do what the danger prompts, and that to which it points, on an alarming emergency. He cannot be so recollected as to think of any law, and the necessity of the case must be a sufficient vindication. But then the necessity of the case must be very glaring and palpable, that can justify the doing any man so great an injury as aforesaid. And there will, no doubt, be continual disputes about it, which will be settled just as the juries stand affected. And the party against whom the verdict is given, be he plaintiff or defendant, will think, and it may be often not without just ground, that he hath reason to complain. And (for) in case of such trial, there can be no indemnification of the party who hath caused the loss and damage at the fire by his orders; and at the same time a compensation to the party who hath sustained it. These two are incompatible, and contrary to each other. But on the above scheme of the writer of this pamphlet, the contradiction vanishes. It reconciles, unites, and provides for both. N. B. Upon reflection it will be evident, that there can be no such law as aforesaid, for that it would be absurd. The contending parties must therefore depend, as before represented, upon the discretion of the jury.

In the preceding pamphlet the writer hath endeavoured to avoid whatever might give just offence, and that every thing might be plain and intelligible to persons of the lowest capacity. This hath occasioned many tautologies, which he hopes on that account will be excused. He thinks, upon the whole, that every thing is right; and he is sure, that there is no designed misrepresentation. But there may be some mistakes. And such a mystery hath been made of some things; and there was so much free-masonry, that it was not always easy to get the proper information, or to come at that which lay at the bottom of the well. And he hath found the utmost difficulty to make a proper selection, out of the vast mass of thoughts he had before him, of such as were most material, and to arrange them in any tolerable order. He thinks, however, that some of them are of importance. And therefore tho' he is very sensible (he saith it without affectation) that he is far from being such a competent judge in these matters, as many who he wishes would have taken up his subject and saved him the trouble; yet he thought it better to throw out these thoughts himself than that they should be suppressed, as he was in a manner certain that nobody else would

would undertake it. He hopes that nothing will be found in this pamphlet either rude and abusive, or dogmatical and officious. Nobody is more sensible than the writer of his own slender abilities. His, the writer, concludes with most hearty thanks for the condensation and indulgence his Townsman at the Vestry in allowing him to read his papers before they entered upon the business of the meeting, and certainly he had his full share in the conferences on the occasion. Words cannot express his good wishes, his sentiments of benevolence to all his Townsman, his esteem for some individuals, and his veneration for the good and worthy. And yet the taste he hath had of rallies, hath increased his appetite for such entertainments. Till some order is observed, and debates are conducted with more civility and temper, rallies cannot be a very desirable form of a lover of tranquillity. Why should not some Moderate Speaker be appointed? Without this, all public assemblies (for he means no particular collection upon his terms) but all public assemblies, especially where there is a probability of warm debates, will be such hot gardens: they will realize the confusion of Babel. He hopes this will be attended to if there are any more meetings about the city business, which hath already occasioned so much disturbance.

POSTSCRIPT. In the foregoing paper it is asserted that no law could be made to ascertain the boundaries of powers which officers, presiding at fires, might or might not exercise to prevent their spread; and to draw the distinguishing line betwixt them. For that such an enumerating, specification of cases, as would be necessary for that purpose, was impracticable; and it might have been added, that the attempt was absurd. The particular emergency, and the variation of the premises in danger often various, as aforesaid, must point out to the said officers what might and ought to be done, and the reverse: and that there could not be, in the nature of things, any other rule or guide, nor of consequence any law either to limit or enlarge their power. But in an Act of Parliament respecting nuisances, there would perhaps be no difficulty in drawing such a line as aforesaid, and specifying some of the most dangerous or the most offensive nuisances, which at the same time the condition of society do not require, as possibly it may, the exercise of some disagreeable and hazardous trades even in the heart of town.

And it may be remembered, that the writer of some papers published in the Nottingham Journal, relating to the fire at Gainsbrough, recommended an application to Parliament for an Act, to specify and prohibit nuisances of all kinds, with a view to GENERAL utility. For he supposed, as he declares in the just-mentioned papers, that an attempt to erect such dangerous structures as Steam Engines, would hardly be renewed in the Town of Gainsbrough; and therefore he recommended, as just said, this application with a view to GENERAL utility. But as the fears of the Inhabitants, respecting themselves, had subsided; the proposal met with no encouragement. And indeed he, viz. the writer, finds that it is not much to be expected from the generality of mankind, (under which denomination he includes the *Great Vulgar* as well as the small) should entertain any such enlarged and public-spirited views. All these views were absorbed in a mean and narrow selfishness; and, instead of such an application as just mentioned, nothing was thought of but to bring an action against Messrs. M r h ses, if they should erect a Steam Engine in the like dangerous situation as before, and entering into a subscription to defray the expences which might ensue. *The Idea was poor and selfish.* I dismiss this article with observing, that it is not impossible that a structure may be erected in this town or neighbourhood (as well as others) which, tho' not dangerous, may be attended with great and to some persons (in a manner) insupportable annoyance; and that this may render an application to Parliament from such towns necessary or expedient. I will only add, that if any one shall think of erecting such a structure as aforesaid, which on account of its situation may be deemed a nuisance, it is hoped, that whilst he despises the clamours of the ignorant, the pragmatical, and the quarrelsome, he will consult with his judicious friends, that he may proceed on sure grounds. The consequences of temerity in such a case may be disagreeable.

THE END.

